

Business Records Affidavit by Custodian of Records

I, Christina Box (please print or type name), state the following under penalty of perjury
in relation to the subpoena issued by the Grand Jury in the Middle District of Tennessee and issued to
CB+S Bank (hereafter referred to as the "Company"):

- (1) I acknowledge that I am personally responsible for complying with the subpoena.
- (2) I have read the subpoena and understand what is required.
- (3) I have made, or persons under my direct supervision have made, a full and complete search for all documents responsive to the subpoena. I understand that the company is required to make a full and complete search for all responsive documents that are in its possession, custody, or control, irrespective of where those documents are now located or who currently possesses them. I understand, for example, that if responsive documents have been provided to an outside accountant or attorney, or employee, or for some other reason are not on the Company's premises (but are within its legal ability to obtain), the Company would nonetheless be obligated to obtain those documents and produce them to the Grand Jury. In addition, I understand that the Company is required to produce responsive documents and records that are in its possession, custody, or control, irrespective of who generated the document or record, or whether they are printed on Company letterhead.
- (4) On the date set forth below, I sent all documents responsive to the subpoena that were in the Company's possession, custody, or control to the investigative agent whose name appears on the subpoena.
- (5) All of the documents I furnished were authentic records maintained by the Company or maintained under the Company's ultimate control, direction, or supervision.
- (6) With the exceptions noted below, the documents I furnished were business records created by the Company or Company employees or business associates, or were business records received and kept by the Company or company employees or associates in the ordinary course of the Company's business affairs. That is, the records I furnished were made at or near the time of the events recorded therein; were made on the basis of personal knowledge of the events recorded; were made or received, and kept, as part of a regular business practice. Exceptions, if any, are the documents identified as follows:

Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 17, 2019

By: Christina Box Title/Position: Support Ops Rep.

Mailing Address: 200 S Jackson Ave

Russellville, AL

Telephone Number(s): 256-332-1710

Signature: Christina Box

Regions Bank
Legal Department
201 Milan Parkway
Birmingham, AL 35211



IN THE MATTER OF

Gilbert R. Ghearing, Dolly L. Ghearing, Account ending in 2687
U.S. District Court, Middle District
2018R00652; 17072

Certificate of Origin and Authenticity

The attached records, identified within the requested timeframe of 01/01/2015 to 09/17/2019, are described as follows:

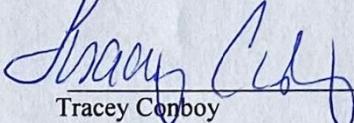
**0235072687.zip - statements, deposits with offsets and checks [0235072687]
signature card.pdf - signature card [0235072687]**

Regions Bank ("Regions"), regularly creates and maintains statements of account for accounts reflected on its records. Those statements are maintained and stored in computerized form. Checks, deposits and other items documenting specific transactions within the individual deposit accounts reflected on Regions' records are maintained in electronic format or copied onto microfilm and maintained and stored in that format. Signature cards, account maintenance documents, correspondence and other documents as Regions may from time to time collect relating to the accounts reflected on Regions' records are maintained and stored in microfilm, original paper form, electronically or some combination thereof. Together, each of the computerized statements of account, microfiche copies and paper records regarding accounts reflected on Regions' records constitute original entries into Regions' business records. Those entries are made by employees of Regions Bank in the regular and usual course of Regions' trade or business and in the regular and usual course of their duties with respect thereto.

Correspondence, credit, collateral, and other general files consist of memoranda or records of acts, transactions, occurrences, or events related to the business of Regions Bank. Such records are made by employees of Regions Bank in the regular and usual course of Regions' trade or business and in the regular and usual course of their duties with respect thereto. Such records are made at the time of such acts, transactions, occurrences, or events, or within a reasonable time thereafter.

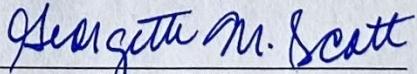
It is the regular and usual course of the business of Regions Bank to maintain copies of all items enclosed herewith, in and as a part of Regions' business records. I am one of the persons designated to initiate and supervise searches of Regions' records for the purpose of making responses to legal process. The search has been diligent and the records enclosed are believed to be complete and to comply with the subpoena. They are true and accurate copies of the papers and records in the bank's files.

Witness my hand and seal on September 30, 2019.



Tracey Conboy
Legal Processing Section

Sworn to and subscribed before me on September 30, 2019.



Georgette M. Scott
Notary Public

MY COMMISSION EXPIRES FEBRUARY 2, 2021



SUB-012303

**AFFIDAVIT OF RECORDS CUSTODIAN CERTIFYING RECORDS
PURSUANT TO RULES OF EVIDENCE 803(6) AND 902(11)**

STATE OF Tennessee)

)

COUNTY OF Shelby)

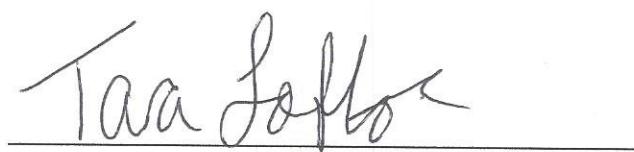
The below signed, having first been duly sworn according to law, makes oath upon personal knowledge as follows:

1. I, Tara Loftis (Investigator II), am an authorized custodian of the records for a business known as Amerigroup Community Care and in such capacity, I have authority to certify the provided records.
2. The records previously provided are accurate copies of all original records maintained by the business regarding Gilbert Ghearing NPI: 1558662379.

(Subject matter of Record Request)

3. The provided records were made by the personnel of the business in the ordinary course of business at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of and a business duty to record or transmit those matters.
4. The provided records were kept in the course of the regularly conducted activity of the business and were made by the regularly conducted activity as a regular practice.

FURTHER AFFIANT SAITH NOT.



Tara Loftis
AFFIANT'S SIGNATURE

Sworn and subscribed to before me
This 19 day of July, 2022.

My commission expires: 9/30/22



902(11) Evidentiary Affidavit

**AFFIDAVIT OF RECORDS CUSTODIAN CERTIFYING RECORDS
PURSUANT TO RULES OF EVIDENCE 803(6) AND 902(11)**

STATE OF Tennessee)

)

COUNTY OF Hamilton)

)

The below signed, having first been duly sworn according to law, makes oath upon personal knowledge as follows:

1. I, Jessica Harrell,
(Name of Records Custodian)
am an authorized custodian of the
records for a business known as BlueCross BlueShield of Tennessee
(Name of the Business)
and in such capacity, I have authority to certify the provided records.

2. The records previously provided are accurate copies of all original records maintained by the business regarding _____

Gilbert Chearing
(Subject matter of Record Request).

3. The provided records were made by the personnel of the business in the ordinary course of business at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of and a business duty to record or transmit those matters.

4. The provided records were kept in the course of the regularly conducted activity of the business and were made by the regularly conducted activity as a regular practice.

FURTHER AFFIANT SAITH NOT.

Jessa Harrell
AFFIANT'S SIGNATURE

Sworn and subscribed to before me
This _____ day of _____, 20_____. _____

Notary Public

My commission expires: _____

**AFFIDAVIT OF RECORDS CUSTODIAN CERTIFYING RECORDS
PURSUANT TO RULES OF EVIDENCE 803(6) AND 902(11)**

STATE OF Minnesota)

COUNTY OF Scott)

The below signed, having first been duly sworn according to law, makes oath upon personal knowledge as follows:

1. I, Chauntee Sewell, am an authorized custodian of the records for a business known as United HealthCare and in such capacity, I have authority to certify the provided records.
2. The records previously provided are accurate copies of all original records maintained by the business regarding Gilbert Aheanng.

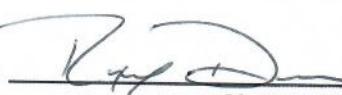
(Subject matter of Record Request)

3. The provided records were made by the personnel of the business in the ordinary course of business at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of and a business duty to record or transmit those matters.
4. The provided records were kept in the course of the regularly conducted activity of the business and were made by the regularly conducted activity as a regular practice.

FURTHER AFFIANT SAITH NOT.

Chauntee Sewell
AFFIANT'S SIGNATURE

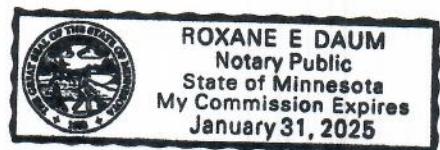
Sworn and subscribed to before me
This 1st day of August, 2022.



Notary Public

My commission expires: 1/31/2025

902(11) Evidentiary Affidavit





DECLARATION

Re: Gilbert Ghearing

CERTIFICATION OF RECORDS COPIES (Custodian's Initials RS)

I, a duly authorized Custodian of the Records for United Airlines, Inc. (the "Company"), hereby certify that, to the best of my information and belief, the records enclosed herewith are true and correct copies of the records maintained by the Company, requested in the subpoena, in the above described cause of action/investigation.

As such, the records were maintained in the ordinary course of such business by employees of the Company at or near the time of the acts, conditions or events recorded therein.

The enclosed 5 pages are copies of the original of such records, as described, and no other non-confidential documents relating to the records requested in the above noted action can be found or are available, after due search.

CERTIFICATION OF NO RECORDS (Custodian's Initials _____)

I, a duly authorized Custodian of the Records for United Airlines, Inc. (the "Company"), hereby certify that a thorough search has been made for records maintained by the Company that were requested in the subpoena in the above described cause of action/investigation.

Said records may in fact exist, but said records, to the best of our information and belief, are not in our possession at this time.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 15th day of August, 2022

By: Rose Senger
(Please Print)

Rose Senger
Signature

CERTIFICATE OF AUTHENTICITY OF DOMESTIC
BUSINESS RECORDS PURSUANT TO FEDERAL RULE
OF EVIDENCE 902(11)

I, Ashley Rupley, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct.

I am employed by American Airlines, and my official title is staff assistant. I am qualified to authenticate the records attached hereto (the “Records”) because I am familiar with how the Records were created, managed, stored, and retrieved. I state that the Records are true duplicates of the original records in the custody of American Airlines. I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of the regularly conducted business activity of American Airlines; and
- c. such records were made by American Airlines as a regular practice.

I further state that this certification is intended to satisfy Rules 902(11) of the Federal Rules of Evidence.

08/18/2022

Date

Ashley Rupley

Signature

CERTIFICATE OF AUTHENTICITY OF DOMESTIC
BUSINESS RECORDS PURSUANT TO FEDERAL RULE
OF EVIDENCE 902(11)

I, Cynthia Sullivan, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct.

I am employed by Cookeville Regional Medical Center, and my official title is Release of Information Team Leader. I am qualified to authenticate the records attached hereto (the "Records") because I am familiar with how the Records were created, managed, stored, and retrieved. I state that the Records are true duplicates of the original records in the custody of Cookeville Regional Medical Center. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters;

b. such records were kept in the ordinary course of the regularly conducted business activity of Cookeville Regional Medical Center; and

c. such records were made by Cookeville Regional Medical Center as a regular practice.

I further state that this certification is intended to satisfy Rules 902(11) of the Federal Rules of Evidence.

July 28th, 2022
Date

Cynthia S. Sullivan, RHIT
Signature

CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS
PURSUANT TO FEDERAL RULES OF EVIDENCE 902(11) AND 902(13)

I, PETER J. PHILLIPS, PHARMD, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by **TENNESSEE DEPARTMENT OF HEALTH**, and my title is Director of Tennessee Controlled Substance Monitoring Database (CSMD) Program. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of **TENNESSEE DEPARTMENT OF HEALTH**. The attached records consist of: (1) Prescriber Rx History Reports for DEA Number BG8284907 for periods 01/01/2016 to 11/09/2018 and 11/01/2018 to 06/17/2019; and (2) Patient Rx History Reports for seven (7) patients—WB, DG, OK, JH, PP, RC, and KW. I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of **TENNESSEE DEPARTMENT OF HEALTH**, and they were made by **TENNESSEE DEPARTMENT OF HEALTH** as a regular practice; and

b. such records were generated by **TENNESSEE DEPARTMENT OF HEALTH'S** electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of in a manner to ensure that they are true duplicates of the original records;

and

2. the process or system is regularly verified by **TENNESSEE DEPARTMENT OF HEALTH** and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

August 15, 2022

Date



R.A. Phillips, D.Ph.

Signature

DECLARATION BY CUSTODIAN OF RECORDS

I, Laurie E. Tepperberg, declare that I am the custodian of records for the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a request for information (RFI) relating to tracking number WMM/UCM 3306222021014/RFI-210622-00010 for Gilbert Ghearing, MD.

Attached is are two Excel database spreadsheet containing data responsive to the RFI. I understand how the responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the record attached is:

- a. Made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. Kept in the ordinary course of a regularly conducted business activity; and
- c. Made by the business as part of a regular practice.

I declare under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct.¹

07/20/2022

Date

Signature of declarant

Laurie E. Tepperberg _____

Name and title of declarant

SafeGuard Service, LLC _____

Name of business

3450 Lakeside Drive Suite 201, Miramar, Florida 33027 _____

Business address

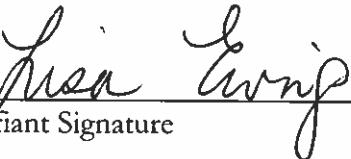
¹ As used in this declaration, and as defined in Federal Rule of Evidence 803(6), the term “record” includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. As used here and in Federal Rule of Evidence 803(6), the term “business” includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

BUSINESS RECORDS AFFIDAVIT

Before me, the undersigned authority, personally appeared, Lisa Ewing), who, being by me duly sworn, deposed and stated:

"I am over the age of eighteen and fully competent to make this Affidavit. I have personal knowledge of the facts stated herein. I am the custodian of the records of Palmetto GBA (Entity Name.) Attached hereto is a Description (i.e., # of pages, files, CD's boxes, etc.) of records from Palmetto GBA.

Enrollment applications, supporting documentation and approval letters
These records are kept by Palmetto GBA in the regular course of business in conjunction with services provided to the Centers for Medicare and Medicaid Services as the Medicare Administrative Contractor. It is the regular course of business for an employee and/or representative of Palmetto GBA with the knowledge of the act, event, condition, opinion, or diagnosis to make the record or to transmit information therefore to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the original."

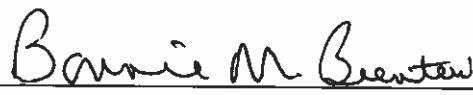


Affiant Signature

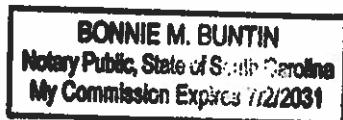
STATE OF South Carolina , COUNTY OF Richland
SWORN TO AND SUBSCRIBED BEFORE me on the
22 day of July, 2022.

NOTARY

SEAL



Notary Signature





**CERTIFICATION OF BUSINESS RECORDS OF
REGULARLY CONDUCTED ACTIVITY
Pursuant to Fed. R. Evidence 902(11)**

The undersigned declarant hereby declares, certifies, verifies or states the following:

1. The declarant is a records custodian or other qualified person of Qlarant Integrity Solutions, LLC (entity name) who can provide a written declaration regarding the records of regularly conducted business activity at Qlarant Integrity Solutions, LLC, which are the subject of this certification.
2. The records of regularly conducted business activity (hereinafter "records") which are the subject of this certification are identified as:

Medicare Part D Prescription Drug Event (PDE) records data for Anderson Hometown Pharmacy (Provider NPI 1265828750), which were queried on August 9, 2022 were PDE records submitted for dates of service September 1, 2016 through February 4, 2019 for which the provider was the dispensing pharmacy. [Reference I-MEDIC 02782]

Medicare Part D Prescription Drug Event (PDE) records data for Gilbert Ghearing (Provider NPI 1265481253), which were queried on July 20, 2022 were PDE records submitted for dates of service September 1, 2016 through February 4, 2019 for which the provider was the prescriber. [Reference I-MEDIC 02782]

3. The records are originals or duplicate copies of domestic (United States) business records;
4. The records were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
5. The records were kept in the course of a regularly conducted business activity; and
6. The records were made by the regularly conducted business activity as a regular practice.

I hereby declare, certify, verify or state, under penalty of perjury, that the foregoing is true and correct.

Kerry King
Signature of Declarant

Kerry King / Senior Data Analyst

Printed Name/ Title

Qlarant Integrity Solutions, LLC fka Health Integrity, LLC

Company Name

August 11, 2022

Date of Declaration / Execution

SWORN TO AND SUBSCRIBED before me on the 11th day of August, 2022.

Carolyn A. Lane

Signature of Notary

Talbot County, Maryland

Notary Public

Carolyn A. Lane

My Commission Expires May 17, 2026

Notary Seal

CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)

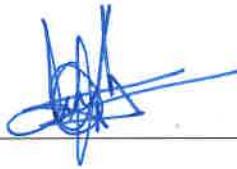
I, Kinh Owalla, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by STATE of TENNESSEE (hereinafter "the entity"), and my title is CUSTODIAN OF RECORDS. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of the provider. The attached records consist of DR. GHEORGHE; DAMON HARRIS; Darryl Guley PHYSICIAN CLAIMS. I further state that:

- a. All records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of the entity, and they were made by the entity as a regular practice; and
- b. Such records were generated by the entity's electronic process or system that produces an accurate result, to wit:
 1. The records were copied from electronic device(s), storage medium(s), or file(s) in the custody of the entity in a manner to ensure that they are true duplicates of the original records; and
 2. The process or system is regularly verified by the entity, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

8/3/2022

Date



Signature

8/3/22

Ruby D. Baker
My commission
expires 7/3/23



CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by _____ (hereinafter “the entity”), and my title is _____. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of the provider. The attached records consist of _____. I further state that:

- a. All records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of the entity, and they were made by the entity as a regular practice; and
- b. Such records were generated by the entity’s electronic process or system that produces an accurate result, to wit:
 1. The records were copied from electronic device(s), storage medium(s), or file(s) in the custody of the entity in a manner to ensure that they are true duplicates of the original records; and
 2. The process or system is regularly verified by the entity, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature

BUSINESS RECORDS CERTIFICATION

United States v. Gilbert Ghearing, No. 2:19-CR-00010

1. I, Bharat Satyanarayan, am employed by eClinicalWorks at 2 Technology Drive in Westborough, Massachusetts. My email address is Bharat.Satyanarayan@eclinicalworks.com. My business phone number is 508-836-2700, extension 10222.

2. I have been an employee of eClinicalWorks since 2004. My current title is Vice President of Technology and Quality Assurance.

3. My team is responsible for the day to day operation of the Electronic Medical Record (“EMR”) system. As such, I am familiar with the type of records maintained by eClinicalWorks in the course of its business, including the progress notes and electronic messages discussed below. I submit this certification to provide background and context with respect to the progress notes and electronic messages. The representations made below are to the best of my knowledge and based on my experience at eClinicalWorks.

Background

4. eClinicalWorks offers integrated healthcare information technology solutions for medical professionals.

5. Among other services, eClinicalWorks provides an EMR system for use by medical professionals in the ordinary course of their profession. The EMR system enables medical providers and other users to access patient records, medical history, information about past visits, medication history, and other information.

Progress Notes

6. The EMR system allows users to access records, medical history, information about past visits, medication history, and other patient information.
7. The EMR system allows users to, among other things, transcribe and maintain progress notes, which capture the medical services provided to a particular patient during a patient visit.
8. eClinicalWorks support staff, the patient's medical provider, and other EMR system users who work with the patient's medical provider have access to a patient's progress note(s). Any user who edits a progress note must be signed into the EMR system using his or her unique username and password.
9. When a healthcare provider has completed a progress note, he or she may "lock" the progress note, which is the electronic equivalent to signing the progress note by hand. A progress note may be kept "unlocked" (i.e., unsigned)..
10. If an unlocked progress note is printed, the date and time of printing will appear in the printed copy. Specifically, the portion of the progress note that states "Electronically signed by [NAME OF PROVIDER]" will be followed by the date and time at which the progress note was printed.
11. In addition, if an unlocked progress note is printed, the signature field will reflect the name of the medical provider associated with the patient visit. The sign off status on a printed copy of an unlocked note will be marked as pending as follows:

 **Sign off status: Pending**

12. The date, time, signature and sign off status cannot be seen by a user viewing an unlocked progress note on the EMR system, even though that information appears on the printed copy.

13. When a provider locks a progress note, the EMR system captures the date and time on which the progress note was locked and the name of the user who locked the note. If a locked progress note is printed, the date and time field will reflect the date and time on which the note was locked.

14. In addition, if a locked progress note is printed, the signature field will reflect the name of the user who locked the progress note. The sign off status on a locked note will be marked as completed as follows:

|Sign off status: Completed

15. The EMR system, including progress notes, may be hosted by the medical practice or by eClinicalWorks on its servers. In this case, eClinicalWorks hosted the EMR system used by Dr. Ghearing's practice. Because the EMR system was hosted by eClinicalWorks, eClinicalWorks had access to it as part of its regular conduct of business and in the ordinary course.

16. eClinicalWorks provided medical records, including progress notes, in response to a subpoena in May 2019. The progress notes were unlocked and were printed to PDF by eClinicalWorks on May 22, 2019 and May 23, 2019. As such, those dates appear on the printed versions of the progress notes.

17. eClinicalWorks provided additional medical records, including progress notes, in response to a subpoena in October 2021. These records were unlocked and printed to PDF on October 22, 2021. As such, that date appears on the printed versions of those progress notes.

Electronic Messages

18. An electronic messaging feature is available through the eClinicalWorks EMR application. This electronic messaging feature is similar to an e-mail messaging system.

19. To access the electronic messaging feature, a user must logon to the EMR System using his or her unique username and password.

20. Once a user is logged on, the electronic messaging feature can be accessed by navigating from the Main Menu to Messages. The electronic messaging feature may also be accessed through the Dashboard taskbar using the Messages Quick Launch icon.

21. Messages received by a user are displayed in the Inbox. Messages that are sent by a user are displayed in the Outbox. A user can only send messages while logged on with his or her unique username and password.

22. The EMR System, including messages, may be hosted by the medical practice or by eClinicalWorks on its servers. In this case, eClinicalWorks hosted the EMR System used by GhearingMD. Because the EMR system was hosted by eClinicalWorks, eClinicalWorks had access to the EMR System, including the electronic messages, used by GhearingMD as part of eClinicalWorks' regular conduct of business and in the ordinary course.

23. The messages were maintained by eClinicalWorks using Microsoft SQL Server, a relational database management system developed by Microsoft. Each medical practice has its own database within the instance of the SQL server used by eClinicalWorks so that data is not comingled between different medical practices.

24. eClinicalWorks can access the messages it hosts as part of its regular conduct of business in two ways.

25. The first way eClinicalWorks can access the messages is through SQL. Multiple copies of each message are maintained in the database – one copy from the Outbox of the user sending the message, and one copy from the Inbox of each user who received the message.

26. The database also stores various metadata associated with each message, which includes the User ID associated with the message sender, the User ID(s) associated with the message recipient(s), the name associated with each User ID, the date on which the message was sent or received, the time at which the message was sent or received, the subject of the message, and the text of the message. Once created, the messages and their associated metadata cannot be altered. A message can be deleted either by a user on the front-end or by eClinicalWorks on the back-end.

27. The system records information regarding the date and time the message was sent and received. Messages stored in the database are maintained in order of date and time sent across the entire medical practice.

28. Because SQL allows the backend user to create and export a table containing each message and its associated metadata, it is the most efficient way to provide messages associated with a particular medical practice to a third party. Accordingly, in responding to the search warrant in this matter, eClinicalWorks provided the messages associated with Dr. Ghearing's practice in SQL format.

29. When extracted, each message is shown as one row containing separate columns for the various metadata fields associated with that message. Because the messages are stored in chronological order, messages within one message group may not appear in sequential rows.

30. The second way eClinicalWorks can access the messages is through use of the front-end application. From there, it can individually open each message and print it or the message thread in the form in which it appears to the end-user.

31. This is a manual process and requires eClinicalWorks to individually print each message or each message thread and save it as a PDF for purposes of transmission.

32. On April 15, 2019, eClinicalWorks messages were extracted as described herein.

I, Bharat Satyanarayan, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by eClinicalWorks (hereinafter “the entity”), and my title is Vice President of Technology and Quality Assurance. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of the provider. The attached records consist of Contracts with GhearingMD, Medical Records printed by eClinicalWorks in May 2019 and provided on May 31, 2019, and Medical Records printed by eClinicalWorks in October 2021 and provided on October 26, 2021, as well as the eClinicalWorks messages extracted from the system as described herein on April 15, 2019. I further state that:

- a. All records attached to this certificate were (1) printed at or near the time of the occurrence of the matter set forth in the preceding paragraph by, or from information transmitted by, a person with knowledge of those matters, (2) kept in the ordinary course of the regularly conducted business activity of the entity, and (3) made by the entity as a regular practice; and
- b. Such records were generated by the entity’s electronic process or system that produces an accurate result, to wit:

1. The records were copied from electronic device(s), storage medium(s), or file(s) in the custody of the entity in a manner to ensure that they are true duplicates of the original records; and
2. The process or system is regularly verified by the entity, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

I certify under penalty of perjury that the foregoing is true and correct.

Bhavat S.
SIGNATURE

08/12/2022
DATE